

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**UNION PACIFIC RAILROAD
COMPANY,**

Plaintiff,

vs.

DeANGELO BROTHERS, INC.,

Defendant.

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8:04CV369

ORDER

Upon notice of settlement given to the magistrate judge on August 11, 2005, by Kurt D. Maahs on behalf of the defendant,

IT IS ORDERED:

1. The parties shall file a joint stipulation for dismissal (or other dispositive stipulation) with the clerk of the court which will fully dispose of the case **on or before September 13, 2005**. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a)(1)(ii) and shall state whether the dismissal is with or without prejudice.

2. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice in accordance with NECivR 68.1.

3. The pretrial conference and trial previously scheduled are cancelled upon the representation that this case is settled.

DATED this 12th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge